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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,260	02/09/2004	Jacob Lamm	063170.8053	1243
5073	7590	11/26/2010	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ZENATI, AMAL S	
			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			11/26/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/775,260	Applicant(s) LAMM ET AL.	
	Examiner AMAL ZENATI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,37-40 and 42-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 37-40, and 42-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Consider Claims **3, and 37 - 40, and 42-59**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bereiter et al (US Patent No.: 6,357,017 B1; hereinafter Bereiter)** in view of **Riley et al (Pub. No.: US 2002/0123983 A1; hereinafter Riley)**.

Consider **claim 3, Bereiter** clearly shows and discloses a method of providing self-supporting computer systems, comprising: detecting, with a computer systems, a fault that has occurred in the computer systems; automatically consulting, using the computer systems, a service policy comprising one or more service policy rules (service policy/ business rules/business policy) associated with the computer systems to request a service that occurred in the computer systems (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining, based on service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the computer systems (*the original specification, page 4, lines 22-28, states "determine what course of action to take under the current circumstances" as an example of*

Art Unit: 2614

*automatically consulting a service policy comprising one or more service policy rules; **Bereiter** teaches providing fully automated technical support in a computer environment, a program instruction means operative at the server node during the iterative problem solving session for evaluating the one or more respective data sets and in response thereto generation information such as instructions for writing and running a new diagnostic map for using in correcting the given technical problem see col. 3, lines 26-40* (col. 3, lines 29-40; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically initiating the one or more actions associated with the service policy and the requested service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service based on the service policy and the requested service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); and communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools wherein the communicating includes logging the one or more service events (col. 4, lines 50-60; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system; determining, based on the service policy, whether a trouble ticket should opened; and determining whether a password associated with the computer system should be reset

In the same field of endeavor, **Riley** clearly discloses the method, the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system (claim 40); determining, based on the service policy, whether a trouble ticket should opened (paragraph 0029); and determining whether a password associated with the computer system should be reset (paragraph 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Riley into teaching of Bereiter, in order to categorize the request and resolve the request based on the type of request/fault (paragraphs: 0056-0057).

Consider **claim 37, Bereiter** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self- supporting computer systems, comprising: detecting, with a computer systems (such as caller, customer, or person), a need for service (customer's computer); allowing a computer systems to automatically consult a service policy comprising one or more service policy rules associated with the computer systems to request service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the computer systems (col. 3, lines 29-40); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system; determining, based on the service policy, whether a trouble ticket should opened; and determining whether a password associated with the computer system should be reset

In the same field of endeavor, **Riley** clearly discloses the method, the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system (claim 40); determining, based on the service policy,

Art Unit: 2614

whether a trouble ticket should be opened (paragraph 0029); and determining whether a password associated with the computer system should be reset (paragraph 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Riley into teaching of Bereiter, in order to categorize the request and resolve the request based on the type of request/fault (paragraphs: 0056-0057).

Consider **claim 44, Bereiter** clearly shows and discloses a self-supporting computer systems, comprising: a memory configured to house a service policy comprising one or more service policy rules associated with a computer systems; a processor configured to: detecting, with a computer systems, a need for service (customer's computer); enable the service consumer to automatically consult the service policy to request service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determine from the service policy, one or more actions to be taken to respond to a request for service from the service consumer, the one or more actions related to servicing the service consumer (col. 3, lines 29-40; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically initiate the one or more actions; and automatically invoke one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 50-60; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system; determining, based on the service policy, whether a trouble ticket should opened; and determining whether a password associated with the computer system should be reset

In the same field of endeavor, **Riley** clearly discloses the method, the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system (claim 40); determining, based on the service policy, whether a trouble ticket should opened (paragraph 0029); and determining whether a password associated with the computer system should be reset (paragraph 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Riley into teaching of Bereiter, in order to categorize the request and resolve the request based on the type of request/fault (paragraphs: 0056-0057).

Consider **claim 50, Bereiter** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self- supporting computer systems, comprising: automatically consulting, using the a computer systems, a service policy comprising one or more service policy rules associated with the computer systems to request service (*the original specification, page 4, lines 22-28, states “determine what course of action to take under the current circumstances” as an example of automatically consulting a service policy comprising one or more service policy rules; Bereiter teaches providing fully automated technical support in a computer environment, a program instruction means operative at the server node during the iterative problem solving session for evaluating the one or more respective data sets and in response thereto generation information such as instructions for writing and running a new diagnostic map for using in correcting the given technical problem see col. 3, lines 26-40*) (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the computer systems (col. 3, lines 29-40); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9), wherein allowing a service consumer to automatically consult a service policy comprises: receiving the request for service from the service consumer independent of a user-initiated request; and comparing the request for service with the service policy (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose the detected fault wherein the one or more actions comprise: determining, based on the service

Art Unit: 2614

policy, a service level agreement associated with a user of the computer system; determining, based on the service policy, whether a trouble ticket should opened; and determining whether a password associated with the computer system should be reset

In the same field of endeavor, **Riley** clearly discloses the method, the detected fault wherein the one or more actions comprise: determining, based on the service policy, a service level agreement associated with a user of the computer system (claim 40); determining, based on the service policy, whether a trouble ticket should opened (paragraph 0029); and determining whether a password associated with the computer system should be reset (paragraph 0057).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Riley into teaching of Bereiter, in order to categorize the request and resolve the request based on the type of request/fault (paragraphs: 0056-0057).

Consider **claims 38, Bereiter and Riley** further teach that the method, further including: communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools (Bereiter: abstract).

Consider **claim 39, Bereiter and Riley** further teach the method, wherein the service policy rules are specific to the computer system (Riley: fig. 14).

Consider **claim 40, Bereiter and Riley** further teach the method, wherein the software applications include over-the-counter applications, custom applications, or combinations thereof (Bereiter: col. 2, lines 1-50; col. 4, lines 10-25).

Consider **claims 41 and 47, Bereiter and Riley** further teach the method and the system, wherein the requested service is a request to provide a solution to fault (error, exception, and mishandled) that occurred in the service consumer (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1).

Consider **claims 42 and 48, Bereiter and Riley** further teach the method and the system, wherein the one or more service provider tools include knowledgebase, trouble ticketing tool, escalation tool, workflow tool, software delivery tool, or combinations thereof (Riley: fig. 14-16).

Consider **claim 43, Bereiter and Riley** further teach allowing the service policy to be modified based on the automatic initiating and the automatic invoking steps (Bereiter: col. 4, lines 50-60).

Consider **claim 45, Bereiter and Riley** further teach that the system, The system of claim 44, further including: an interface operable to communicate through a web service with the computer system over the world wide web via a web-enabled application programming interface residing in the computer system (Bereiter: col. 4, lines 50-60).

Consider **claim 46, Bereiter and Riley**, further teach the system, wherein the computer system includes one of a hardware device, a software application, or a combination thereof (Bereiter: col. 2, lines 25-35).

Consider **claim 49, Bereiter and Riley**, further teach the system wherein the one or more actions comprise servicing the service consumer in response to the computer system's request for service, and further including: an analysis tool operable to receive events occurring as a result of servicing the computer system, the analysis tool further operable to modify the service policy based on received events (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 51, Bereiter and Riley** show the program device, wherein: the computer system is a processor-controlled device that requires servicing (Bereiter: col. 3, lines 15-40).

Consider **claim 52, Bereiter and Riley** show the program device, wherein: the policy includes instructions for servicing the computer system; and the one or more actions comprise servicing the service consumer in accordance with the instructions; and servicing the computer system comprises

Art Unit: 2614

repairing a fault in the service consumer (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 54, Bereiter and Riley** show the program device, further comprising determining from the policy whether the computer system is covered by a warranty covering the request for service (verify customer information) (Riley: fig. 6, fig. 8, and fig. 10; and paragraph: 0029)

Consider **claim 55, Bereiter and Riley** show the program device, further comprising modifying the one or more service policy rules in response to one or more service events that occurred as a result of the one or more actions (Riley: fig. 14).

Consider **claim 53, Bereiter and Riley** show the program device, wherein: the service consumer is a processor-controlled device that requires servicing; the steps of allowing, automatically determining, automatically initiating, and automatically invoking occur at a service provider; servicing the service consumer comprises repairing a fault in the service consumer; and further comprising; when it is determined that the service consumer; and further comprising when it is determined that the service consumer needs servicing, automatically linking the service consumer to the service provider to enable the service provider to service the service consumer (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 56, Bereiter and Riley** show the program device, wherein the computer system and the service provider are separate entities (Riley: fig. 2).

Consider **claim 57, Bereiter and Riley** show the program device, wherein the one or more actions provide the solution to the fault (Bereiter: abstract).

Consider **claim 58, Bereiter and Riley** show the program device, wherein the one or more actions further comprise determining, based on the service policy, whether a vendor associated with

Art Unit: 2614

computer system can provide a solution to the detected fault (Bereiter: col. 6, lines 60-67; and col. 7, lines 1-11; col. 8, lines 1-10;).

Consider **claim 59, Bereiter and Riley** show the program device, wherein the one or more actions further comprise determining, based on the service policy, whether a knowledge base contains information related to the detected fault (Riley: claim 15).

3. Consider Claim **60**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bereiter et al (US Patent No.: 6,357,017 B1; hereinafter Bereiter)** in view of **Riley et al (Pub. No.: US 2002/0123983 A1; hereinafter Riley)** and further in view of **Gilles et al (US Patent No.: 6,249,578 B1; hereinafter Gilles)**

Consider **claim 60, Bereiter and Riely** discloses the claimed invention above but lack teaching the method, wherein the one or more actions further comprise determining, based on the service policy, whether software associated with the computer system should be updated.

In the same field of endeavor, **Gilles** clearly discloses shows the method, wherein the one or more actions further comprise determining, based on the service policy, whether software associated with the computer system should be updated (col. 7, lines 25-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gilles into teaching of Bereiter and Riley, in order to categorize the request and resolve the request based on the type of request/fault (col. 7, lines 25-35).

Response to Arguments

The present Office Action is in response to Applicant's amendment filed on September 23, 2010. Applicant has amended **claims 3, 37, 39, 44-54, and 56**, and has added **new claims 58-60**, and has; **claims 3, 37-40, and 42-60** are now pending in the present application.

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/775,260
Art Unit: 2614

Page 13

November 18, 2010